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Kent Woodlands LAND USE POLICY REPORT



KENT WOODLAND LAND USE POLICY REPORT

Amended and Approved by the Planning Commission: January 19, 1981

Adopted by the Board of Supervisors: February 10, 1981
(Resolution No. 81-45)

Rezoning Implementing the Land Use Recommendations: February 10, 1981
Ordinance No. 2614

Marin County Comprehensive Planning Department
Civic Center
San Rafael, California 94903

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The Board of Directors of the Kent Woodlands Property
Owners Association

With special thanks and commendation to Mary Summers for the
many hours of volunteer time contributed in assisting the
Planning staff to prepare this report and the related rezoning.



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DESCRIPTION OF COMMUNITY

Kent Woodlands is located on what once was the Kent Family Estate, between the communities of Ross and Larkspur. Land owned by Marin Municipal Water District and Marin County Open Space District abut the community on the west and south. The area is heavily treed and contains steep slopes and ridge tops. Despite substantial development, the natural environment remains the dominant character of the community. The smallest lots are a half acre in size and all the homes built in Kent Woodlands were subject to architectural review to ensure good design and conformity with the character of the community.

To date, 548 homes have been built in Kent Woodlands and 19 lots remain undeveloped. There are two large unsubdivided parcels in the southwest corner of the community. In the southeast corner, a master plan is under preparation for an unsubdivided parcel known as Tiscornia Estates.

The roads in Kent Woodlands reflect the hilly terrain and low density residential use of the area. Roads were built to minimum rural road standards, so they are narrow, sloped and curvilinear. On-street parking and pedestrian/bicycle paths are not provided for by these roadway development standards. Access to all of Kent Woodlands is from Woodland Road, as other roads in the community branch from this central one.

HISTORY OF DEVELOPMENT IN KENT WOODLANDS

The Kent family filed the first subdivision and deed restrictions for Kent Woodlands in 1938. They intended Kent Woodlands to be a unique low density single family community set in a wooded area. Building sites were carefully selected with respect to topography, the location of other building sites and other significant site conditions. Once the desirable building sites were identified, lot lines were then drawn between them to create the individual lots. The lots resulting from this process varied in size from one half to five acres. Since 1938, 20 subdivisions have been filed. Deed restrictions were applied to protect the character and natural environment of this single family residential community. They particularly emphasize appropriate architectural and landscape design and maintenance of property. They were binding for 25 years from the date they were filed, and some of the earlier ones have already expired.

The Kent Woodlands Property Owners Association, a non-profit corporation, was formed to oversee the development and buildout of the community, to represent the community on behalf of all property owners, and to enforce the Kent Woodlands Deed Restrictions. The elected Board of Directors of the Association appoints three residents to serve on the Architectural Supervising Committee which is responsible for reviewing development and improvement proposals, lot line adjustments or lot splits, and the removal of any trees, among other things.

Unfortunately, the zoning techniques that were prevalent at the time Kent Woodlands began to be subdivided and which are still applied to much of that community are not flexible with respect to siting or parcel size and

are not sensitive to the style of development that characterizes Kent Woodlands. Instead of reinforcing and supporting its style of development, present zoning permits further divisions of land that could weaken the original design concepts for Kent Woodlands.

More recently, planned district zoning has been used to direct and stabilize the buildout of neighborhoods according to a specified plan. In effect, the planning for Kent Woodlands was an attempt to exercise this control without the benefit of planned district zoning. It is still possible for Planned District Zoning to be applied to properties in Kent Woodlands to assure the implementation and orderly building out of the original "subdivision master plans".

EXISTING ZONING

Most of Kent Woodlands is zoned R-1:B-3. This zoning designates the area a one family residence district, and requires 20,000 square feet as a minimum lot size. However, parts of Kent Woodlands are already under planned district zoning, including Subdivision No. 20, four lots at the top of Rancheria Road, the land known as "Tiscornia Estates" currently under master planning, and two large undeveloped parcels in the southwest corner of Kent Woodlands. Seven lots on Kent Avenue north of Woodland Road are zoned R-3:G-2 which permits multiple residential development at a density of 1 unit for 2,000 square feet of site area. The attached map, "Existing and Proposed Zoning", shows the overall pattern of zoning.

DEVELOPMENT PROBLEMS IN KENT WOODLANDS

Recently, individual property owners and the Kent Woodlands Property Owners Association have expressed concern that the existing land use controls are no longer adequate to ensure that new development is harmonious with the existing community.

This concern is related to two factors. First, the existing zoning does not provide for design review in much of Kent Woodlands. In the past, this was less important because deed restrictions required property owners to consult the Architectural Supervising Committee of the Property Owners Association about development proposals. For some of the older subdivisions the deed restrictions have expired and have not been renewed. They likely have expired or were never applied to the 106 lots in Kent Woodlands created by "metes and bounds" definition and not part of any subdivision. The Property Owners Association estimates that already about 30% of the lots in their community are no longer covered by deed restrictions. More deed restrictions may expire on December 31, 1980. Without the deed restrictions, there is no requirement that proposed improvements or new development be reviewed for suitability, compatibility with adjacent homes, and preservation of the natural environment which is essential to the character of Kent Woodlands.

A second source of concern is the potential for further land division in Kent Woodlands. There are several large and undeveloped parcels which could be subdivided into several building sites. Also many of the lots are considerably larger than the half acre minimum lot size required under R-1:B-3 zoning. Some of these also may be subdivided into two or more lots. In the past, subdivisions have been constrained by the deed restrictions which are now expiring. The Woodlands Board of Directors compiled the following information in their land use study.

TABLE I: PARCELS SUBJECT TO FURTHER SUBDIVISION:

<u>PARCEL SIZE:</u>	<u>POTENTIAL NUMBER OF LOTS:</u>	<u>NUMBER OF PARCELS:</u>
40,000 to 60,000 SF	2	123
60,000 to 80,000 SF	3	39
80,000 SF and larger	4 or more	38
	TOTAL:	200

SOURCE: Report by Mary Summers dated March 10, 1980

The figures in Table 1, "Parcels Subject to Further Subdivision," are the maximum potential for subdivision based only on considering lot size. The slope ordinance requires larger lots where the terrain is hilly and would reduce the potential for lot splits. The location of an existing house on a lot, and the lot configuration may make any further subdivision unlikely. Although the actual potential for subdivision could not be determined without a detailed lot-by-lot consideration of all property in Kent Woodlands, Planning staff estimates that approximately 150 additional lots likely could be created under existing zoning. This would increase the existing density of Kent Woodlands by about 26.5%.

The Woodlands Board of Directors is concerned about the potential adverse impact of these additional lots, especially with respect to traffic. The impact of traffic is proportionate to the increases in volume which in turn are related to the number of new dwellings. Potential impact is exacerbated by the narrow, winding, and steep streets in Kent Woodlands and the feeder pattern that concentrates traffic towards Woodland Road. Further, the roadways are not built to a standard that easily accommodates on-street parking. Some on-street parking does occur and makes traffic movement more difficult and constrained. If density increases because of division of existing lots, on-street parking may also increase and further restrict access in Kent Woodlands.

The Woodlands Board of Directors and individual residents have stated that the existing traffic on Kent Woodlands road system presents hazards for pedestrians, cyclists and vehicles entering or leaving private driveways. Increased traffic will worsen the existing problem (Tiscornia Master Plan Environmental Impact Report, Administrative Draft, Page 23).

Traffic data and analysis is not available for all of Kent Woodlands. However, some traffic analysis was recently done as part of the Environmental Impact Report for the Tiscornia Master Plan, for property located in the southeast corner of Kent Woodlands. In the report, current daily traffic volumes for Woodland Road west of Magnolia Avenue are estimated at 4,000 vehicles. This declines to 1,500 vehicles per day between Evergreen Drive and Ridgewood Road. (Tiscornia Master Plan EIR, P. 21). Given an estimated generation rate of 10 trips/unit/day, the potential 150 new lots would result in 1,500 additional trips in and out of Kent Woodlands along Woodland Road. This would result in a 37% increase in traffic volume at Woodland Road and Magnolia Avenue.

The traffic impact on residential streets that would result from the additional 150 lots is more difficult to estimate because of the possibility of alternative routings. For example, the potential increase in traffic

along Evergreen Drive from the 22 units on Tiscornia Estates varied from 12.5% to 24.4% depending on the route alternatives (Tiscornia Master Plan EIR, P. 24, 26). In the vicinity of Tiscornia Estates, there are also seven existing undeveloped lots. If the potential traffic from these is included in estimates, the range of increases daily traffic volumes becomes 16.7% to 32.2% (Tiscornia Master Plan EIR, P. 28-29).

If development of Tiscornia Estates is used as an indication of traffic impacts, then the potential additional 150 lots which are distributed throughout the community, would likely increase traffic volumes on residential streets by at least a similar range of 16% to 32%. The Board of Directors of the Kent Woodlands Property Owners Association and individual property owners feel that these potential traffic increases are inappropriate and unacceptable in their residential community.

THE PROPOSED REZONING

Because of the problems and concerns described in the previous section, the Kent Woodlands Property Owners Association has requested a rezoning of Kent Woodlands to a planned district. Further, they have requested that the maximum number of dwelling units per gross acre be reduced to 1.0 for most of Kent Woodlands. For some larger parcels located in ridge areas and/or the extremes of the roadway system, even lower densities ranging down to RSP-0.2 have been requested. The minimum lot size under the present R-1:B-3 zoning is slightly under half an acre. This is equivalent to a density of 2.0 dwellings/acre. See the attached map, "Existing and Proposed Zoning" for the pattern of the proposed rezoning.

The rezoning would confirm the uses that exist in the community and continue the uses permitted under the existing zoning, with one exception. The seven lots along Kent Avenue are now zoned R-3:G-2 which permits multiple residential uses. The proposed zoning to RSP-2.0 will confirm the existing single family development of the seven lots but no longer permit multiple residential development.

The seven lots were covered by Kent Woodlands Property Owners Association's deed restrictions. They range in size from 13,500 square feet to 20,228.5 square feet, and together contain 110,415.62 square feet. At a maximum, 55 units could be built on the seven lots. If the lots are developed individually, under the existing zoning, the largest lot could potentially have 10 units built on it. Projects of this size are exempt from the provisions of the Inclusionary Housing Ordinance. Therefore, development of these seven lots for multiple residence use likely will not provide moderate priced housing.

These lots have access off Kent Avenue, which has an average daily traffic volume at this point of 6,000 vehicles (Administrative Draft, Tiscornia Master Plan Environmental Impact Report, November 21, 1980 P. 21). The lots are immediately adjacent to the five-legged intersection of Woodland-Magnolia-College-Kent and the College of Marin parking lot driveway. Traffic movements through this intersection are already somewhat difficult (Administrative Draft, Tiscornia Master Plan EIR, P.21). The additional traffic from a potential maximum of 55 multiple units almost at the intersection will add to the difficulty of movements through the intersection. The traffic volumes along Kent Avenue likely make turns into and out of the subject lots difficult. The addition of more units would worsen access problems.

Finally, multiple residential development of the seven lots could diminish the privacy and amenity of the homes facing Good Hill Road which back onto these lots. For all these reasons, this report suggests that the rezoning from R-3:G-2 to RSP-2.0 be approved to confirm the existing single family homes as the appropriate use.

The proposed rezonings would accomplish several things. First, design review would replace the control that is being lost through expiring deed restrictions. New developments and improvements in Kent Woodlands would be subject to review to ensure that their design and location is responsive to site conditions and the character of the community. Second, the lower density will reduce the potential impacts on the character of the community, especially those related to traffic. Further, the provisions requiring master plans for land divisions would mandate careful consideration of potential buildings sites, and the impacts on traffic and adjacent properties.

The proposed rezoning would still permit about 74 potential additional homes to be built in Kent Woodlands. This is estimated as follows:

TABLE II: DEVELOPMENT POTENTIAL UNDER THE PROPOSED REZONING:

	<u>NUMBER OF LOTS</u>
Vacant Lots:	19
Development of Tiscornia Estates	22
Development of the two large parcels in the southwest corner of Kent Woodlands (75-181-49,50).	11
Estimation of lots that could be created by division of existing developed large lots.	20
Two lots created on A.P. #75-201-01 Sidney Rudy property.	2
	<hr/>
Total:	74

(Note: Assessor's Parcel 75-280-05, although 11.35 acres in area, is part of a subdivision done in 1973 which created 5 clustered parcels out of 26 acres. It may not be subdivided further under the existing zoning)

The proposed rezoning will reduce the potential increase in new lots by more than half, from 150 to 74. This will reduce the potential increases in traffic volumes by more than half. Potential increases in daily traffic volumes in Kent Woodlands would be reduced from 1,500 to 740 vehicles/day. This would reduce the estimated increase in daily traffic volumes on Woodland Road west of Magnolia Avenue to 18.5%. This represents a significant reduction in potential adverse impact.

This report suggests that property in Kent Woodlands should be rezoned as shown on the attached map, "Existing and Proposed Zoning." The proposed zoning as shown on the map is what has been requested by the Woodlands Board of Directors with one exception. The property in the southeast corner of the community described as "Tiscornia Estates," is zoned RMP-0.1 and the Board of Directors requested that it be rezoned to RSP-0.1 in order to confirm the single family nature of the area. However, a master plan is being prepared for the area and Planning staff feel that a rezoning should be considered when the Tiscornia Master Plan and Subdivision are considered by the Planning Commission and Board of Supervisors. This report suggests that a rezoning to RSP-0.1 be considered concurrently with the Tiscornia Master Plan.

The application of planned district zoning and a reduction in permitted density, while resolving problems in Kent Woodlands, may also cause some difficulties. First, more than 300 lots would become legal nonconforming lots because they are less than the one acre required under the proposed zoning. The majority of lots in Kent Woodlands are already developed and the rezoning will not affect them. Property owners would still be able to get approval for improvements to their homes. If an existing home was damaged or destroyed, another single family home may be built, even though the lot is legal nonconforming, providing other provisions of the zoning category are met.

However, the rezoning creates the potential for lot merger for the fourteen vacant lots now under R-1:B-3 zoning. The intention of reducing the density was to control the potential for lot splits and not to prevent the development of existing lots. Therefore, this report suggests that if merger of lots occurs involving any of the following lots, that Certificates of Compliance be issued without fee upon application of the property owner, where the location of existing houses does not impinge on lot lines.

74-152-08	75-041-06	75-280-05
74-181-18	75-092-08	
74-192-11	75-092-13	
74-201-08	75-121-22	
74-201-12	75-221-04	
74-211-13	75-241-01	
74-222-05	75-251-05	
74-222-06	75-272-03	
74-251-06	75-280-04	

The second problem that could be caused by the rezoning to planned district classification is the imposition of design review on relatively minor improvements. This is inconvenient to property owners and would require the time of County Planning staff for improvements which are not of particular concern. While new homes, second story additions, and swimming pools should be subject to design review, the addition of a single room perhaps should not. This report suggests that where a property owner can submit letters of support from all adjacent property owners and from the Kent Woodlands Property Owners Association for an improvement to an existing home, the Planning Director may consider this sufficient to waive design review requirements.

A master plan and/or development plan would be required for any new dwelling, land division or subdivision under the proposed planned district zoning. However, because of the potential implications of further development in Kent Woodlands, these plan requirements are appropriate and do not represent an unnecessary inconvenience to property owners.

Third, the proposed reduction in density may remove the potential for land division and development from lots that could be developed with little adverse impact on Kent Woodlands. For example, division of a level lot almost two acres in size located near Woodland Road and Magnolia Avenue may not impose any adverse impacts. But it is restricted from land division by the proposed rezoning the same as a lot located on steep land at the extremes of the road system in Kent Woodlands.

Some flexibility may be used in considering land divisions for existing lots slightly smaller than the minimum area required for land division under the proposed RSP 1.0 rezoning. This report suggests that a rezoning to a slightly higher density to permit a land division may be considered favorably for lots having the following characteristics:

1. The lot is sufficiently level that only a minimum amount of grading and vegetation removal would be required for access and the proposed house.
2. The density requested under the rezoning is not more than 1.33 dwellings per acre. For example, properties of approximately 1.5 acres may be eligible for an extra unit.
3. The site allows for up to 4 visitor parking spaces (not on platforms) in addition to those required by Title 24 for the occupants of the house.
4. The route(s) used for access to the lot do not involve the narrow, steep and curved portions of the roadway system in Kent Woodlands.
5. The land development shall take into account and not interfere with the privacy of surrounding neighbors.

Finally, in order to ensure the compatible buildout of Kent Woodlands, additional guidelines which reflect the original design concepts of the community should be implemented through the master plan/development plan, and design review procedures. This report suggests that in addition to the design guidelines contained in Section 22.47.024 and 22.82 of the Marin County Code, the following guidelines be approved and implemented in Kent Woodlands.

GUIDELINES FOR LAND DIVISIONS AND DESIGN REVIEW IN KENT WOODLANDS

1. The Kent Woodlands Property Owners Association shall be given an opportunity to review applications for development and improvement of property in Kent Woodlands. The Planning Department will take the written response of the Association, or of the Architectural Supervising Committee of the Association under consideration in preparing its decisions or recommendations.
2. The natural environment is a strong element of Kent Woodlands. In order to reinforce this character, natural colors and finishing materials should be used. In particular, reflective surfaces and light colored roofs should not be permitted.
3. The siting of solar collectors should minimize reflection of light into other homes where possible. Similarly, night lighting should only be permitted when it can be designed so that it does not cast light into adjacent homes.

4. Outdoor living areas are an important quality of homes in Kent Woodlands. People are able to use outdoor areas as extension of their homes because of the level of privacy between dwellings. Additions to dwellings, especially second stories, and the siting of any new dwellings should be designed to keep privacy between homes at a maximum.
5. Because on-street parking is not generally available in Kent Woodlands, each new home should provide parking adequate for the residents and their guests. Title 24 requires 2 parking spaces for a typical single family home. In addition to these, as many guest parking spaces as possible, up to four, should be provided on the property. These guest parking spaces may be in tandem. Where possible, parking should not be provided by parking platforms because they detract from the presence of the natural environment.
6. Existing trees and vegetation should be retained as much as possible. However, when landscaping is done, care should be taken not to use a design or plant specimen that will block the existing views of adjacent property owners.
7. Grading should be discouraged as it disrupts the existing topography, native vegetation, trees, and rock outcroppings. Where minimum grading is approved, the applicant should be required to replant all cut and fill slopes with native type materials. Shrubs or trees should be planted at the base of all cut slopes, in addition to ground covers which may be used to cover the slopes, of sufficient mature height to effectively obscure the cut slopes.
8. Because Kent Woodlands is so hilly, decks and portions of homes often are built over posts between the ground and the first floor or deck level. Planting should be used to screen the underpinnings from view.
9. Fences shall be discouraged within the right-of-way of any County road or street. Planting within the right-of-way shall be kept low so as not to obscure traffic sight distances. No planting shall be approved on any portion of a public road right-of-way which is level with the road surface. The purpose of this latter requirement is to provide areas for emergency off-street parking, and havens for pedestrians and bicyclists.
10. The front, rear and sideyards provided for all improvements and new development shall meet the standards of the R-1:B-3 zoning district. Most of Kent Woodlands was built in accordance with these standards and additional development should conform with them to blend into the existing community. These setbacks standards are the minimum and greater setbacks may be required under design review because of unique aspects of the site. The Planning Director may also relax these setback standards where the Planning Director finds that such a reduction is necessary for the use and enjoyment of the property and where a reduction would not adversely affect neighboring properties.
11. Master plans for land divisions and subdivisions should be in conformance with the performance standards contained in Title 22 (Zoning) of the Marin County Code.

SUMMARY OF RECOMMENDATIONS:

1. That property in Kent Woodlands be rezoned as shown on the attached map, "Existing and Proposed Zoning."
2. That a rezoning from RMP-0.1 to RSP-0.1 be considered for A.P. #75-181-05 (Tiscornia Estates) concurrently with the Master Plan and subdivision.
3. That if a merger of lots occurs involving any of the following lots:

74-152-08	75-041-06
74-181-18	75-092-08
74-192-11	75-092-13
74-201-08	75-121-22
74-201-12	75-221-04
74-211-13	75-241-01
74-222-05	75-251-05
74-222-06	75-272-03
74-251-06	75-280-04
	75-280-05

that Certificates of Compliance be issued without fee upon application of the property owner, where the location of existing houses do not impinge on lot lines.

4. That if a property owner can submit letters of support from all adjacent owners and from the Kent Woodlands Property Owners Association for an improvement to an existing home, the Planning Director may consider this sufficient to waive design review requirements.
5. That a rezoning to a slightly higher density to permit a land division may be considered favorably for lots having the following characteristics:
 - a. The lot is sufficiently level that only a minimum amount of grading and vegetation removal would be required for access and the proposed house.
 - b. The density requested under the rezoning is not more than 1.33 dwellings per acre. For example, properties of approximately 1.5 acres may be eligible for an extra unit.
 - c. The site allows for up to 4 visitor parking spaces (not on platforms) in addition to those required by Title 24 for the occupants of the house.
 - d. The route(s) used for access to the lot do not involve the narrow, steep and curved portions of the roadway system in Kent Woodlands.
 - e. The land division shall take into account and not interfere with the privacy of surrounding neighbors.
6. That the "Guidelines for land division and design review in Kent Woodlands", contained in this report be approved and implemented through master plan/development plan and design review procedures.

EXPLANATION OF ZONING CLASSIFICATIONS REFERRED TO IN THIS REPORT AND
ON THE FOLLOWING MAP:

RSP-1.0	Indicates Proposed Zoning
(R-1:B-3)	Indicates Existing Zoning
R-1:B-3	Indicates One Single-Family Residence per 20,000 sq.ft.

Planned Single-Family Residence Districts

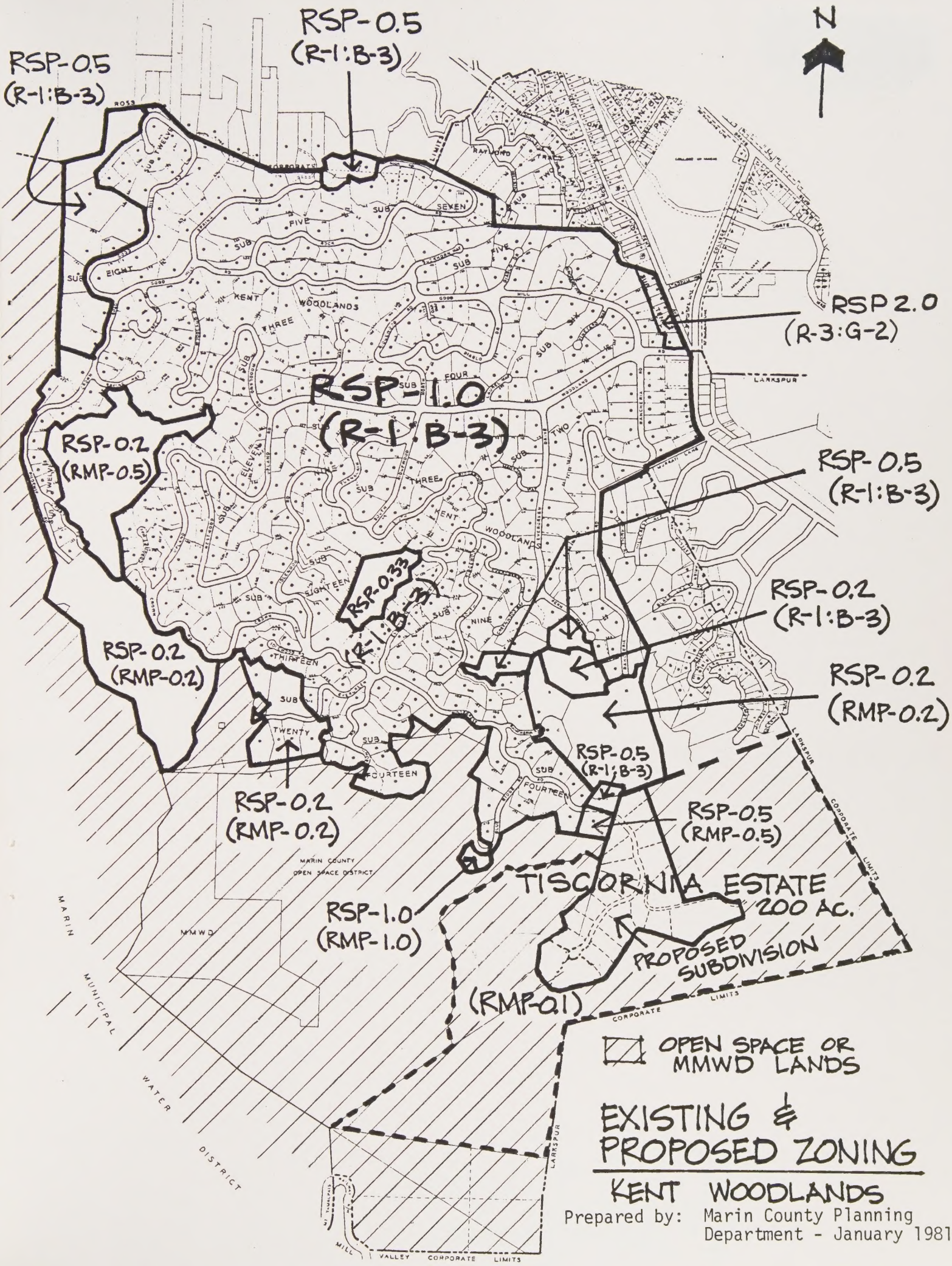
RSP-2.0	One Single Family Residence per 1/2 acre
RSP-1.0	" " " " " 1 acre
RSP-0.5	" " " " " 2 acres
RSP-0.33	" " " " " 3 acres
RSP-0.2	" " " " " 5 acres
RSP-0.1	" " " " " 10 acres

Planned Multiple Residence Districts

Permits Multiple Units (Apartments)

RMP-1.0	One Dwelling Unit per 1 acre
RMP-0.5	" " " " 2 acres
RMP-0.33	" " " " 3 acres
RMP-0.2	" " " " 5 acres
RMP-0.1	" " " " 10 acres

R-3:G-2	Multiple Residence District - 2,000 square feet per Dwelling Unit
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